IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Appeal No. 2008 of 2001
(Old No. 1336/99)

State of U.P. appellant.

Versus

1 Mukhtyar
2 Suendra Chikara opposite parties.

Hon'ble B.C.Kandpal, J.

This appeal is against the judgment and order dated 16.1. 1999 passed by Chief Judicial Magistrate, Haridwar in Criminal Case No. 192 of 1994 State versus Mukhtyar and another under Sections 392/ 411 IPC thereby acquitting respondents 1 and 2.

Heard learned AGA and perused the judgment passed by the court below.

It is worthy to mention here that the prosecution has not adduced any oral evidence in this case. The prosecution tried to establish the case on the basis of documentary evidence which was not found to be sufficient by the trial court. The trial court has specifically recorded the finding that the prosecution was afforded several opportunities to adduce the evidence but the prosecution has failed in doing so, therefore the evidence was closed.

I do not find any ground for interference in the impugned order passed by the trial court.

Accordingly the application for Special Leave Petition is rejected. The appeal against the acquittal is also dismissed.

(B.C.Kandpal, J)

29.11.2005
nbj